

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JASON DUSTERHOFT,

Plaintiff,

v.

CITY OF AUSTIN,
BRIAN MANLEY,
JUSTIN NEWSOM,
and TROY GAY,

Defendants.

§
§
§
§
§
§
§
§
§
§

1:20-CV-1081-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendants City of Austin, Brian Manley, Justin Newsom, and Troy Gay (“Defendants”) Rule 12(c) Motion to Dismiss Plaintiff Jason Dusterhofs Second Amended Complaint, (Dkt. 40). (R. & R., Dkt. 46). In his report and recommendation, Judge Lane recommends that the Court grant the motion. (*Id.* at 8). Dusterhofs timely filed objections to the report and recommendation. (Objs., Dkt. 47).

A party may serve and file specific, written objections to a magistrate judges findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Dusterhofs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Dusterhofs objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 46), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Rule 12(c) Motion to Dismiss, (Dkt. 40), is **GRANTED**.

IT IS FINALLY ORDERED that Dusterhoft's claims are **DISMISSED WITH PREJUDICE**.

The Court will enter final judgment by separate order.

SIGNED on March 29, 2023

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE